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Subash Kalbarga

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HOPE BALDAUFF HARTMAN, LLC
1720 PEACHTREE STREET, N.W
SUITE 1010
ATLANTA, GA 30309

EXAMINER

LIU, LIN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,442	Applicant(s) KALBARGA, SUBASH	
	Examiner LIN LIU	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 12-14 is/are rejected.
- 7) ☐ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communications filed on 07/09/2008.

Claims 1-2, 4-6 and 12-20 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/09/2008 has been entered.

Allowable Subject Matter

3. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 15-20 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: The claimed invention is directed toward a system for setting a real-time clock on a redirection device and converting time data received from the redirection device comprising: a redirection device operatively connected to a server computer and comprising a real-time clock operative to maintain a time for the redirection device, the redirection device operative to: receive a command to set the real-time clock to a

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specified GMT time value, in response to receiving the command, set the real-time clock to the specified GMT time value, monitor operation of the server computer to compile health data, the health data comprising one or more health management events and a GMT time at which each of the health management events occurred retrieved from the real-time clock; and a web browser plug-in module executing on a remote computer communicatively connected to the redirection device, the web browser plug-in module operative to: send a command to the redirection device to set the real-time clock to the specified GMT time value, retrieve the health data from the redirection device, upon retrieving the health data, determine whether the health data includes time data, upon determining that the health data includes time data, convert the time data from the GMT time to a local time, and replace the time data in the health data with the converted time data. The prior art of record taking singly or in combination does not teach or suggest a combination of method executing a web browser plug-in module on a remote computer communicatively connected to the redirection device, wherein the web browser plug-in module operative to: send a command to the redirection device to set the real-time clock to the specified GMT time value. The closest prior art of record (i.e Boss et al. (Patent no.: US 6,157,618) and Dawson (PGPUB no.: US 2002/0042765 A1)) does not teach or suggest this feature. Based on this reasoning, claim 15 is allowable over the prior art of record.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **12 and 13** are rejected under 35 U.S.C 102 (b) as being anticipated by **Boss et al. (Patent no.: US 6,157,618)**.

With respect to **claim 12**, Boss teaches an apparatus for setting a real time clock of a computer management device and for receiving and displaying time data from the computer management device, the apparatus comprising:

a central processing unit (Boss, fig. 11 & 14, UserMon Server); and

a memory having stored thereon an operating system for execution on the central processing unit, a web browser for execution on the operating system (Boss, fig. 11, and col. 7, lines 8-30), and a plug-in module for execution in conjunction with the web browser, the plug-in module operative to receive a request to set the real time clock of the computer management device (Boss, col. 7, lines 8-14), to receive a current local time (Boss, col. 7, lines 8-3, col. 12, lines 18-25 and col. 13, 27-32), to convert the current local time to Greenwich Mean Time (Boss, col. 12, lines 18-25 and col. 13, lines 27-32, noted that the GMT time is synchronized with the local time), and to issue a command to the computer management device to set the real time clock to Greenwich Mean Time, wherein the real time clock is operative to maintain a time for the computer management device (Boss, col. 12, lines 52-59).

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With respect to **claim 13**, Boss teaches the apparatus of Claim 12, wherein the web browser is operative to connect to the computer management device and to receive health information from the computer management device (Boss, col. 7, lines 8-54 and col. 13, lines 15-32), and wherein the plug-in module is further operative to analyze the health information to determine whether time data is contained therein (Boss, col. 13, lines 15-32), to convert the time data from Greenwich Mean Time to a local time in response to determining that time data is contained therein (Boss, col. 12, lines 18-25 and col. 13, lines 27-32, noted that the GMT time is synchronized with the local time), and to replace the time data with the converted local time (Boss, col. 13, lines 27-32, noted that the GMT time is synchronized with the local time).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1, 4-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Boss et al. (Patent no.: US 6,157,618)** in view of **Dawson (Publication no.: US 2002/0042765 A1)**.

With respect to **claim 1**, Boss teaches a method for interpreting time data received from a server computer management device (Boss, fig. 11), the method comprising:

setting a real time clock on the server management device to Greenwich Mean Time (Boss, fig. 11, col. 10, lines 55-60 and col. 12, lines 11-51, noted that the UserMon server logs the performance-parameter of the data-gathering client in GMT time), wherein the server management device is implemented in hardware communicatively connected to a server computer and wherein the real time clock is operative to maintain a time for the server management device (Boss, fig. 11, col. 10, lines 55-60 and col. 12, lines 11-51, noted that the UserMon logs data of client in GMT time);

receiving data associated with the server computer from the server management device at a remote computer (Boss, fig. 11, and col. 13, lines 15-32, noted that the UserMon server issues response to the data-gathering client);

determining from a format of the received data whether the received data includes time data (Boss, col. 13, lines 27-32, noted the GMTTime field);

in response to determining that the received data includes time data, converting the time data from Greenwich Mean Time to a local time (Boss, col. 12, lines 18-25 and col. 13, lines 27-32, noted that the GMT time is synchronized with the local time);

replacing the time data in the received data with the converted local time (Boss, col. 13, liens 27-32, noted that the GMT time is synchronized with the local time);

and a display (Boss, fig. 14, and col. 18, lines 10-12, noted the monitor 1447).

However, Boss does not explicitly disclose a method of displaying the received data.

In the same field of endeavor, Dawson teaches a method of displaying the received log data corresponding to a GMT time on a display (Dawson, fig. 1C).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of displaying the received log data corresponding to a GMT time on a display as taught by Dawson in Boss' invention in order to show the parameter-performance statistics of the data-gathering client and providing an user friendly, easy and interactive interface for users.

With respect to **claim 4**, Boss teaches all the claimed limitations, except that he does not explicitly disclose a method of displaying the received data.

In the same field of endeavor, Dawson teaches a method of displaying the received log data corresponding to a GMT time on a display (Dawson, fig. 1C).

In regard to **claims 5-6**, the claim limitations of these claims are substantially the same as those in claim 1, but in a computer program and an apparatus form.

Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claims 5-6.

With respect to **claim 14**, Boss teaches all of claimed limitations, except that he does not explicitly teach a method of displaying the health information including the converted time data.

In the same field of endeavor, Dawson teaches a method of displaying the received log data corresponding to a GMT time on a display (Dawson, fig. 1C).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the web browser to display the received log data with the corresponding GMT time the display, since the only communication protocol used in between the data-gathering client and the UserMon is HTTP protocol (Boss, col. 7, lines 8-54). The motivation to incorporate this method is to show the parameter-performance statistics of the data-gathering client and providing a user friendly, easy and interactive interface for users.

Response to Arguments

11. Applicant's arguments filed on 12/20/2007 with respect to claims 1, 4-6 and 12-14 have been fully considered but they are not persuasive.

12. After carefully reviewing the Applicant's remarks, the following is a list of Applicant's main concerns on the previous Office Action

- a. On pages 6-7 of Applicant's remark, Applicant argues that "transmitting a GMT time value from one computer to the next or adding a log entry containing a GMT time value to a log file is not equivalent to setting the real time clock on a server management device".

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b. On page 9 paragraphs 4-5 of Applicant's remark, Applicant argues that "Boss does not teach, describe, or suggest all the recitations of independent claim 12. In particular, Boss does not describe or suggest "the plug-in module operative to receive a request to set the real time clock of the computer management device,..., wherein the real time clock is operative to maintain a time for the computer management device".

13. In response to Applicant's argument **a**, the examiner respectfully disagrees. It appears that Applicant has a specific definition for "a real time clock", which has not been included in the claims are presented. Therefore, the claims are interpreted by the examiner as broadly as possible in light of the specification. In the instant case, the presently recited claim merely requires that the real time clock to be any real time clock in GMT value. Similarly, Boss teaches receiving and saving a log file with performance-parameter from a data-gathering client in GMT time (Boss: fig. 11, col. 10, lines 55-60 and col. 12, lines 11-51).

14. In response to Applicant's argument **b**, the examiner respectfully disagrees. It appears that Applicant has a specific definition for "the plug-in module", which has not been included in the claims are presented. Therefore, the claims are interpreted by the examiner as broadly as possible in light of the specification. In the instant case of Boss, Boss teaches an API of the browser (i.e: WIN32 API) in reading and exacting the timer (Boss: col. 7, lines 8-14). Therefore, the examiner substantially equates WIN32 API of Boss with "the plug-in module" of present application.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./

/Lin Liu/
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145